

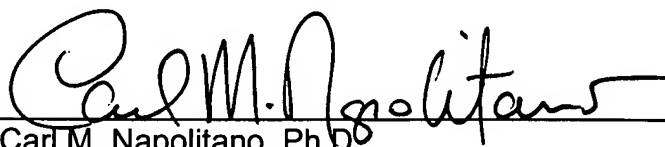
In re Patent Application of:
ROBERT M. HERRIN ET AL.
Serial No. **10/721,962**
Filing Date: **11/25/2003**

REMARKS

The restriction of the apparatus claims into the four groups of I A - IV A is traversed. Respectfully, the Examiner is asked to consider the intent of 35 USC §121 that states if two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions. It is the view of the Applicants and the undersigned that "independent and distinct" present a clear direction regarding restriction. Further, it is believed that the intent of lawmakers was not to place an Applicant in a position of having to pay multiple fees unnecessarily. A two way restriction between apparatus and method claims present in a case and a four way restriction of the apparatus claims appears to be unnecessary in light of the search and examination effort required for the Examiner. Yet further, it would appear that five applications would need to be filed for this case. The Examiner is asked to reconsider the "further restriction" of Group I into Groups IA, IIA, IIIA, and IVA.

The Applicant and the undersigned would like to again thank the Examiner for his efforts in the examination of this application and for reconsideration of the restriction. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



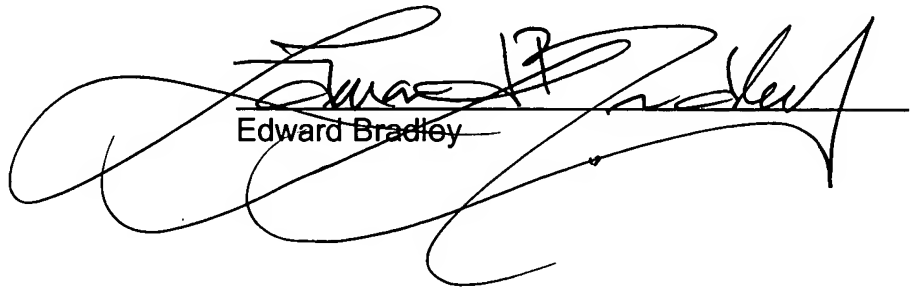
Carl M. Napolitano, Ph.D.
Reg. No. 37,405
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
(407) 841-2330
Agent for Applicant

In re Patent Application of:
ROBERT M. HERRIN ET AL.
Serial No. 10/721,962
Filing Date: 11/25/2003



CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 21st day of December, 2004.


Edward Bradley